

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM F. RUSSELL,)
)
) Plaintiff,)
)
) v.) NO. C08-217 RSM
)
) ALAN HILBURG; individually; HILBURG) STIPULATION AND ORDER
) & ASSOCIATES, LLC, a limited liability) REGARDING CASE SCHEDULE
) company; ALAN HILBURG &)
) ASSOCIATES; HAI HOLDINGS, INC., a)
) corporation; PORTER NOVELLI, INC., a)
) corporation, d/b/a Porter Novelli, Inc.)
) Consulting (aka PNConsulting); and JOHN)
) DOES and/or JANE DOES 1-3, presently)
) unknown parties,)
)
) Defendants.)

I. STIPULATION

On June 3, 2008, the Court entered a Minute Order Setting Trial Date & Related Dates (“Minute Order”). Dkt. #39. The Minute Order set trial in this matter for July 6, 2009 and established corresponding dates for the discovery cutoff, motions practice, expert witness reports, and other pretrial deadlines.

This matter seeks an accounting for funds received under representation agreements between plaintiff William F. Russell and defendants Alan Hilburg and/or Alan Hilburg and

1 Associates (now HAI Holdings, Inc.), damages for alleged breaches arising out of the
2 agreements and other violations, and a determination of the liability of Porter Novelli, Inc. and
3 Hilburg & Associates International, LLC for the acts of Alan Hilburg.

4 Because the matter seeks an accounting, the parties, with a view toward having
5 accounting experts review and evaluate the financial information needed for an accounting and
6 thereafter to engage in a mediation, proposed in their original Joint Status Report (Dkt. #33) that
7 the parties would acquire documents needed for a complete accounting through documentary
8 discovery, followed by a mediation, before the parties engaged in deposition discovery. To that
9 end, plaintiff has already provided his draft expert witness report to defendants, and defendants
10 Alan Hilburg and HAI Holdings, Inc. have agreed to provide their draft expert witness report by
11 January 30, 2009. In addition, the parties are in the process of selecting mediators with the goal
12 of engaging in mediation the week of February 9, 2009.
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15 The parties have made significant progress thus far, including exchanging nearly 10,000
16 pages of documents, obtaining documents from several third parties, and engaging financial
17 experts who are evaluating the financial documents and providing their analyses and draft reports
18 on an on-going basis.

19 However, the process of assembling the accounting documents has taken longer than was
20 originally contemplated, and the parties are still awaiting certain documents from third parties.
21 There is also outstanding discovery in process. In order to meet their objective of conducting a
22 complete accounting and mediation prior to deposition discovery, the parties have agreed that the
23 trial and related case schedule dates should be extended approximately 90 days to permit a
24 complete accounting and mediation and then, if necessary, deposition discovery. Accordingly,
25 subject to the Court's approval, the parties hereto stipulate to amend the current case schedule as
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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 2
C08-0217 RSM

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1 follows:

2 **ORDER SETTING TRIAL DATE & RELATED DATES**

3

	Original Dates	Revised Dates
4 TRIAL DATE	July 6, 2009 at 9:00 AM	October 5, 2009 at 9:00 AM
5 Reports from expert witnesses under FRCP 26(a)(2) due	01/07/2009	04/07/2009
6 All motions related to discovery must be filed by and 7 noted on the motion calendar no later than the third 8 Friday thereafter (<u>see</u> CR7(d))	02/06/2009	05/07/2009
9 Discovery completed by	03/09/2009	06/08/2009
10 All dispositive motions must be filed by and noted on 11 the motion calendar no later than the fourth Friday thereafter 12 (<u>see</u> CR7(d))	04/07/2009	07/09/2009
13 Mediation per CR 39.1(c)(3) held no later than	05/22/2009	02/27/2009
14 All motions in limine must be filed by and noted on the 15 motion calendar no later than the second Friday thereafter	06/08/2009	09/10/2009
16 Agreed pretrial order due	06/24/2009	09/22/2009
17 Pretrial conference [to be scheduled by the Court]		
18 Trial briefs, proposed voir dire questions, proposed jury 19 instructions, and trial exhibits due	07/01/2009	09/29/09
Length of Jury Trial:	7 days	7 days

20 DATED this 16th day of January, 2009.

21 SMITH & HENNESSEY PLLC

22 /s/ Geoffrey P. Knudsen

23 James A. Smith, Jr., WSBA #5444

24 Geoffrey P. Knudsen, WSBA #1324

25 Attorneys for Defendants Alan Hilburg

and HAI Holdings, Inc.

26 DAVID J. BALINT, PLLC

STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 3
C08-0217 RSM

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1 /s/ David J. Balint

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3 Donald J. Horowitz, WSBA #7304

4 Attorneys for Plaintiff

5 William F. Russell

6 DAVIS WRIGHT TREMAINE LLP

7
8 /s/ Brendan T. Mangan

9 Brendan T. Mangan, WSBA #17231

10 Attorneys for Defendants

11 Porter Novelli, Inc. and Hilburg & Associates

12 International, LLC

13 DAVIS & GILBERT LLP

14 /s/ Shirin Keen

15 Maureen McLoughlin, *Pro Hac Vice*

16 Shirin Keen, *Pro Hac Vice*

17 Attorneys for Defendants

18 Porter Novelli, Inc. and Hilburg & Associates

19 International, LLC

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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 4
C08-0217 RSM

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II. ORDER

Pursuant to the foregoing Stipulation of the parties, and good cause appearing, it is hereby ORDERED that the Order Setting Trial Date & Related Dates shall be amended as follows:

ORDER SETTING TRIAL DATE & RELATED DATES

TRIAL DATE	October 5, 2009 at 9:00 AM
Reports from expert witnesses under FRCP 26(a)(2) due	04/07/2009
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (<u>see</u> CR7(d))	05/07/2009
Discovery completed by	06/08/2009
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (<u>see</u> CR7(d))	07/09/2009
Mediation per CR 39.1(c)(3) held no later than	02/27/2009
All motions in limine must be filed by and noted on the motion calendar no later than the second Friday thereafter	09/10/2009
Agreed pretrial order due	09/22/2009
Pretrial conference [to be scheduled by the Court]	
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	09/29/09
Length of Jury Trial:	7 days

STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 5
C08-0217 RSM

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3 DATED this 28th day of January, 2009.
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6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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11 Presented by:

12 SMITH & HENNESSEY PLLC

13 /s/ Geoffrey P. Knuden

14 James A. Smith, Jr., WSBA #5444

15 Geoffrey P. Knudsen, WSBA #1324

16 Attorneys for Defendants Alan Hilburg
and HAI Holdings, Inc.

17 DAVID J. BALINT, PLLC

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20 Donald J. Horowitz, WSBA #7304

21 Attorneys for Plaintiff

William F. Russell

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23 /s/ Brendan T. Mangan

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25 Attorneys for Defendants

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International, LLC
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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 6
C08-0217 RSM

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3 /s/ Shirin Keen

4 Maureen McLoughlin, *Pro Hac Vice*

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5 Attorneys for Defendants

Porter Novelli, Inc. and Hilburg & Associates

6 International, LLC

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STIPULATION AND ORDER REGARDING
CASE SCHEDULE- 7
C08-0217 RSM

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